

**PLANNING BOARD
RESOLUTION NO. 2012-10**

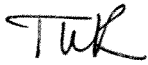
**A RESOLUTION OF THE KEY WEST
PLANNING BOARD FOR APPROVAL
VARIANCES APPROVAL TO CONSTRUCT A
FIXED ROOF OVER AN EXISTING PATIO
ON PROPERTY LOCATED AT 2718 HARRIS
AVENUE (RE#00067640-000000) IN THE
SINGLE FAMILY ZONING DISTRICT
EXCEEDING BUILDING COVERAGE AND
REAR-YARD SETBACK REQUIREMENTS PER
SECTIONS 90-391 AND 122-238(4.)a. AND 122-
238(6)a.3. OF THE LAND DEVELOPMENT
REGULATIONS OF THE CODE OF
ORDINANCES OF THE CITY OF KEY WEST.**


WHEREAS, Section 122-238(4)a. and 122-238 (6)a.3. of the Code of Ordinances provides that the maximum building coverage shall be 35% and the allowed rear-yard setback shall be 25 feet ; and

WHEREAS, the applicant requested variances to the allowed building coverage for a total of 45% and a rear-yard setback of 20 feet; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 15, 2012; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist

 Vice Chairman

 Planning Director

which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

TWR Vice Chairman

QC Planning Director

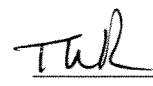

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by resolution of the Key West Planning Board for a variances to allow the construction of a fixed roof over an existing patio on property located at 2718 Harris Avenue (RE# 00067640-000000) in the SF zoning district per Section 122-238(4)a. and Section 122-238(6)a.3. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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Section 3. It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

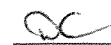
Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period

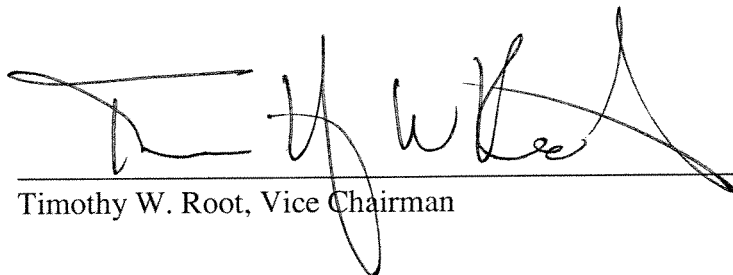
 Vice Chairman

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has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 15th day of March, 2012.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director.



Timothy W. Root, Vice Chairman

3/23/12

Date

Attest:

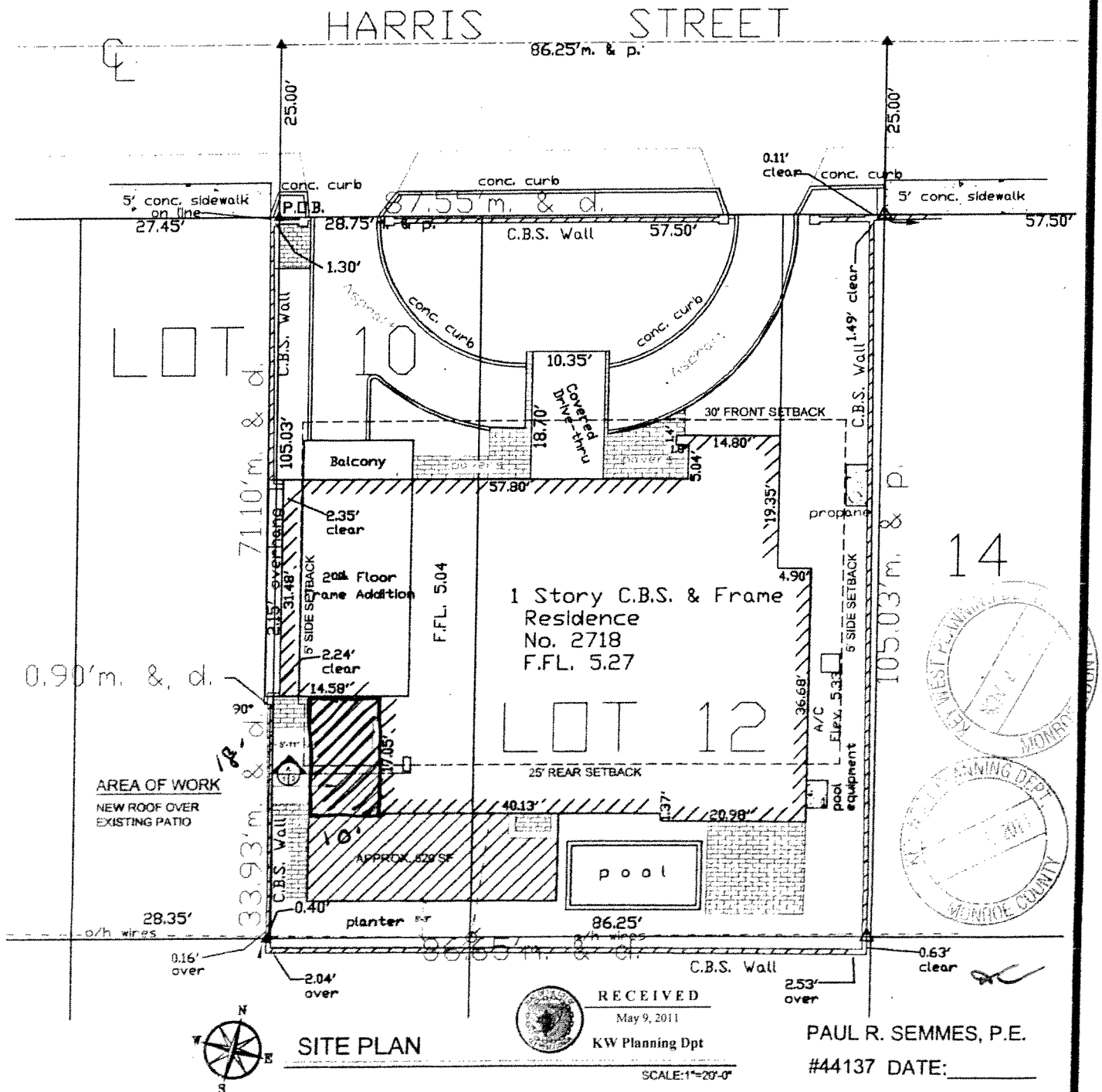
 Vice Chairman
 Planning Director

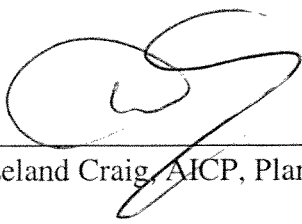
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

JOB TITLE: 2718 HARRIS AVENUE, KEY WEST, FLORIDA

SHEET: 1 OF 4
DATE: 01-22-10
BY: EKM
JOB #





3.21.12

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:



3-27-12

Cheryl Smith, City Clerk

Date



Vice Chairman



Planning Director